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USDS SDNY

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DATE FILED: 8-4-08

The Honorable Victor Marrero
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 660
New York, NY 10007

Re: Taveras v. UBS AG, et al., Civil Action No.: 08-CV-6696
Ludlum v. UBS AG, et al., Civil Action No.: 08-CV-6868

Dear Judge Marrero:

We represent plaintiff Debra Taveras in the first-filed action cited above. Ms. Taveras, a participant in the UBS Savings and Investment Plan ("Plan"), has alleged that UBS and certain other responsible parties breached their fiduciary duties under the Employee Retirement Income Security Act ("ERISA") by continuing to invest retirement savings into UBS stock when they knew that it was not in the best interests of the Plan's participants to do so. After plaintiff Taveras filed this action, Plan participant Brian Ludlum filed a similar action arising out of the same operative facts. Pursuant to Your Honor's Individual Practices, we request a pre-motion conference so that we may file a motion consolidating the two actions (and any subsequently filed actions) and appointing interim lead counsel.

Consolidation of these actions will avoid costly and unnecessary duplication of effort and waste of judicial and party resources. Both actions make nearly identical factual allegations, assert nearly identical claims, and seek substantially the same relief. Furthermore, the appointment of interim lead counsel will assist in the efficient prosecution of the actions. We have consulted with the attorneys for plaintiff Ludlum, who join in this request. No attorneys have yet appeared for the defendants.

We are available to discuss this request with the court, the anticipated motion, or any other matters at the Court's convenience.

Respectfully submitted,


Thomas J. McKenna

cc: Mark Rifkin (via fax) – counsel to Plaintiff Ludlum

Request GRANTED. A status conference herein is scheduled for <u>8-7-08</u> at <u>10:30 a.m.</u> to address the matter described above by <u>plaintiff Debra Taveras</u> .
SO ORDERED.
<u>8-4-08</u>
DATE
VICTOR MARRERO, U.S.D.J.